**REMARKS/ARGUMENTS**

The claims are 1, 3-13 and 15-25. Claim 1 has been amended to incorporate the subject matter of claim 2, and to recite that one layer has a larger coefficient of elongation than another layer as recited in claim 21. Claim 14 has been rewritten in independent claim format as new claim 25. Accordingly, claims 2 and 14 have been canceled, and claim 10, which previously depended on claim 1 has been amended to depend on new claim 25. Reconsideration is expressly requested.

Claims 1-4 and 10-24 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Furst U.S. Patent No. 5,998,015*. The remaining claims 5-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Furst* in view of *Kurfman et al. U.S. Patent No. 4,115,619*.

Essentially, the Examiner's position was that *Furst* discloses the multilayer film recited in the claims except for (1) the film layer being formed of polyamide, polyethylene terephthalate, polyacrylonitrile, or a mixture thereof, (2) that *Kurfman et al.* uses a laminate made of thermoplastic resin, including polypropylene, polyamide, polyethylene terephthalate,

and polyacrylonitrile, and (3) that it would have been obvious to one of ordinary skill in the art to employ these thermoplastics taught by *Kurfman* in the laminate of *Furst* for the purpose of increasing heat resistance, melt fluidity, the processability, chemical and impact resistance.

This rejection is respectfully traversed.

As set forth in claim 1, as amended, and in new claim 25, Applicant's invention provides a multilayer film having at least two layers made from different materials. In one aspect, it is the aim of the invention to create a cover and release film, particularly for webs that contain oil and/or for bituminous webs which prevent the oily components of the web that contain oil from diffusing out. In another aspect, it is the aim of the invention to prevent the curl effect that often occurs in release films. Curl effect is understood to mean independent loosening of the cover and release film, particularly at the edges of the cover and release film.

In order to prevent the curl effect, a material with a greater heat expansion coefficient is used on the outside of the cover and release film, as set forth in claim 1 as amended, which

causes the edges of the cover and release film to actually be pressed against the web that contains oil.

The curl effect is frequently reinforced by the diffusion of the oily substances of the web that contains oil and/or the bituminous web into a cover and release film. As a result, the layer that faces the web that contains oil swells up. This swelling causes the edges of the cover and release film to loosen from the web that contains oil.

This effect is prevented, according to Applicant's invention as set forth in new claim 25, by means of a barrier layer against mineral oil.

The primary reference to *Fürst* relates to a completely different film than that set forth in amended claim 1 or new claim 25. The film described in *Fürst* has a carrier film, a flame-inhibiting coating, and a silicone layer. This film serves as a water vapor barrier for use in motor vehicles, and is attached to vehicle parts with the adhesive layer.

Although the silicone layer in *Fürst* may also be considered a release layer, it is respectfully submitted that the flame-

inhibiting coating cannot be compared with a barrier layer against oils, as recited in claim 25, even though both of them consist of a coating or a paint application. It is respectfully submitted, moreover, that the state of the art would not consider the flame-inhibiting coating of *Fürst* to be, at the same time, a barrier layer against all kinds of things. The release layer of *Fürst* must also be considered differently from Applicant's film layers as set forth in claim 1, as amended, because of the completely different methods of effect. In the state of the art, the release layer is there only in order to stack similar objects that are provided with adhesive on top of one another. In Applicant's invention, as set forth in claim 1, the release layer serves to establish an adhesion between the release and cover layer and the bituminous web that is not overly great. A certain adhesion must exist, however, since otherwise coverage of the bituminous layer cannot be guaranteed.

Along with this certain adhesion, other requirements regarding the release layer are additionally set forth in claim 1, as amended, which distinguish the multilayer film from the film disclosed in *Fürst*.

Accordingly, it is respectfully submitted that *Fürst* fails to anticipate Applicant's invention as set forth in claim 1, as amended, or in new claim 25.

The defects and deficiencies of the primary reference to *Fürst* are nowhere remedied by the secondary reference to *Kurfman* which has been cited only with respect to claims 5-9. *Kurfman* simply describes laminates for other applications, which contain polypropylene, polyamide, polyethylene terephthalate, and polyacryl nitrile, which are used in a completely different manner than in Applicant's multilayer film. Moreover, *Kurfman* is concerned with a completely different area of use in which the exclusive matter of concern is the optimization of films that are made to be reflective.

In any event, there is no disclosure or suggestion in *Kurfman* of Applicant's multilayer film as recited in claim 1, as amended, or in new claim 25.

In summary, claims 1 and 10 have been amended, claims 2 and 14 have been canceled, and new claim 25 has been added. In view

of the foregoing, it is respectfully requested that the claims be allowed and that this case be passed to issue.

Respectfully submitted,
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I hereby certify that this correspondence is being sent by facsimile-transmission to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 29, 2004.

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